

REMARKS

I. Status of the Claims

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Upon entry of this Amendment, claims 1, 3-5, 8, 13-27 and 29-35 remain pending, with claims 3-5, 8, 13-27, and 29-35 withdrawn from consideration because of a restriction requirement, and claim 1 ready to be examined on the merits.

II. Claim Rejections - 35 U.S.C. § 102

Claim 1 is rejected under 35 U.S.C. § 102 as being anticipated by Unterhalt et al. as Applicants' claim 1 allegedly reads on the compound of RN 83961-42-6. According to the Examiner, RN 83961-42-6 corresponds to the present claim 1 when x is 0; -Y-Z-R² is attached to N, Y is ethylene, Z is -N(R⁵)-S(O)₂-N(R⁶), and wherein R⁵, R⁶ and Z are methyl. Applicants respectfully disagree with the Examiner and request reconsideration and withdrawal of the rejection.

Claim 1 does not read on RN 83961-42-6 of Unterhalt et al. because in claim 1, R⁵ and R⁶ are independently H, aryl (C₁ to C₃) alkyl, or cycloalkyl (C₁ to C₃) alkyl optionally substituted by halo. In contrast, in RN 83961-42-6, the positions corresponding to R⁵ and R⁶ in claim 1 are methyl groups. Since R⁵ and R⁶ in claim 1 are not methyl, claim 1 does not read on RN 83961-42-6. Therefore, claim 1 is not anticipated by Unterhalt et al. Withdrawal of this ground for rejection is respectfully requested.

CONCLUSION

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Atty. Dkt. No. 040283-0183
Appl. No.: 09/622,544

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 26, 2003

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